

REMARKS

Claims 1-34 are pending. Claim 12 is amended for clarity. Applicants thank Examiner Brinich for the indicated allowability of claims 4-8, 11, 12, and 27-29. For at least the reasons set forth herein, Applicants assert all of claims 1-34 are in condition for allowance.

Applicants thank Examiner Brinich for consideration and acknowledgement of all references cited in Applicants' Information Disclosure Statements.

Applicants note the formal drawings submitted December 21, 2001, to replace those originally filed with the Application have not been acknowledged. Acknowledgement of receipt and acceptance as to format of the drawings is respectfully solicited.

Claims 32 and 33 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter, in particular, non-functional descriptive material. It is asserted in the Office Action that: "Claims 32-33 currently recite(s) a pair of images on a print. There is no functional relationship imparted by this data to a computing device." Applicants respectfully traverse the rejection as follows.

Independent claim 32, and claim 33 dependent therefrom, are directed to a comparison print, as noted in the Office Action. The claims are not related a computing device, there being no recitation of a computing device in the claims. These claims are solely directed to a comparison print having at least two portions, one having an image and a second having a digitally enhanced rendering of the first image. Under 35 U.S.C. §101, a patent can be granted on a process, machine, manufacture, or composition of matter. A comparison print can be considered a manufacture or composition of matter, and therefore comprises statutory subject matter.

Reconsideration and withdrawal of the rejection are in order, and are respectfully requested.

Claim 12 is rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Claim 12 is herein amended for clarity by removal of the word “other.” Such amendment renders the rejection moot, and withdrawal of the rejection is in order.

Claims 1-3, 9, 10, 13-26, and 30-34 are rejected under 35 U.S.C. §103(a) over Sano (U.S. Patent 6,079,885) in view of Adachi et al. (EP 0 890 870 A2). Applicants traverse the rejection for at least the following reasons.

Sano is directed to a printer that allows the number of images printed on a single sheet of recording medium to be changed. The size and layout of the images are adjusted by the printer to fit on a single recording medium sheet, including adjusting the contrast of each image separately to offset any necessary change in image size to fit on the recording medium. It is determined by the computer associated with the printer what images need processing for production of high quality prints where multiple images of different sizes are printed on one recording medium, such that the type and amount of image processing is varied for each image based on the size of that image. Sano does not disclose or suggest printing or displaying of a digitally enhanced image with the original, unenhanced image. Sano further does not disclose or suggest selection of an image for processing on any basis other than size.

Adachi et al. discloses printing a standard image and a differently processed image on a single sheet, or multiple sheets. The differently processed image is one that has been treated to create a special photographic effect, such as soft focus, enlargement of a portion of the image, or color shift, for example, from color to sepia or black and white, as disclosed at page 1, lines 25-33, and lines 53-58, as well as page 2, lines 28-29.

Adachi et al. does not disclose or suggest selection of an image from a plurality of images in a customer order to digitally enhance, as required by independent claims 1, 16, 23, and 34. Adachi et al. appears to either print only one original image with one or more differently processed variations, or all images on a roll with the same processing. There is no provision for selection of a specific image to process or enhance differently, as claimed by Applicants. Therefore, Adachi does not teach, disclose, or suggest the subject matter of at least claims 1, 16, 23, and 34, or the claims dependent therefrom. Further, Adachi

et al. does not overcome the deficiency of Samo, which also does not teach, disclose, or suggest selection of a specific image for digital enhancement.

With regard to claims 3 and 18, in addition to the above remarks, neither Samo nor Adachi et al., taken alone or in combination, disclose or suggest printing a digitally enhanced image on an index print and an unenhanced image on a standard print.

With regard to claim 24, contrary to the assertion in the Office Action, and further to the above remarks, it would not be obvious to use the known media of a CD for storage of the unenhanced and digitally enhanced images because to do so defeats the stated purpose of Adachi et al., side-by-side comparison of an original print with the same print differently processed.

Independent claims 30 and 32 have been amended to include that the digitally enhanced rendering includes adjustment of one or more of red-eye, under exposure compensation, noise reduction, or flesh tone. Neither Samo nor Adachi et al., taken alone or in combination, disclose or suggest printing an image with such an adjustment with the original image.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1-3, 9, 10, 13-26, and 30-34 are in order, and are respectfully solicited.

In view of the above remarks, Applicants assert all of claims 1-34 are in condition for allowance for at least the reasons set forth herein. Prompt and favorable action in the form of a Notice of Allowance is respectfully solicited.

Should the Examiner require anything further, he is invited to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.